

Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

February 14, 2008

Appeal Number: 07-15784-A
Case Style: Wendall Jefferson v. USA
District Court Number: 06-00060 CV-T-E

TO: Debra P. Hackett

CC: Wendall Jefferson (11199-002)

CC: Leura Garrett Canary

CC: Susan Redmond

CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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SECONDARY CASE NO: 03-00063-CR-T-E

The enclosed certified copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

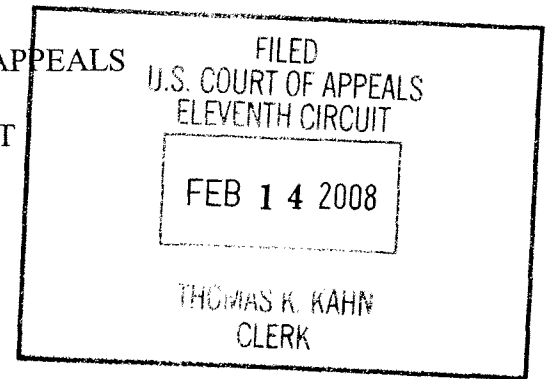
THOMAS K. KAHN, Clerk

Reply To: Angela Mitchell for Deborah Owens (404) 335-6180

Encl.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 07-15784-A



WENDALL JEFFERSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying substantive claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed. 2d 542 (2000). Because appellant has failed to make the requisite showing, the motion for a certificate of appealability, as construed from a notice of appeal, is DENIED.

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

/s/ Ed Carnes
UNITED STATES CIRCUIT JUDGE